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09/660,093	09/12/2000	Mehmet Oguz Sunray		7323

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Docket Administrator (Room 3C-512)
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EXAMINER

KADING, JOSHUA A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,093

Applicant(s)

SUNRAY, MEHMET OGUZ

Examiner

Joshua Kading

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

Page 1, line 7 of the specification makes reference to another patent application.

5 However, the serial number for that patent application was left blank.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

10 form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiedemann et al. (WO 98/35514).

In regard to claim 1, Tiedemann et al. disclose "a method for partitioning code
20 space in a communication system, comprising the step of:

dividing a code space into at least two subspaces, where codes in the first subspace are assigned to at least one user at a time for a communication session and where all of the codes in the second subspace are assigned to one user (page 5, lines 9-10 show a code space being divided into at least two subspaces; page 7, lines 6-13
25 show that one remote station or user is assigned to the primary code channel which is

taken to be the same as the second subspace, and the secondary code channels are taken to be the first subspace)."

In regard to claim 2, Tiedemann et al. disclose "the method of claim 1, wherein
5 codes are dynamically assigned between the at least first and second subspaces (page 8, lines 3-8 where both the primary and secondary channels use different codes as is known in the art; a user is initially using the code of the primary channel but must be assigned into the secondary channels or be dynamically assigned a code to accommodate an increase in user data flow)."

10

In regard to claim 3, Tiedemann et al. disclose "the method of claim 2, wherein a minimum number of codes are provided to the first subspace (it is inherent that there be a minimum number of codes (i.e. a minimum of one code) provided to the first subspace because the subspace in a code space system needs the codes in order to transmit
15 data and without the minimum number of codes the subspace would be a waste)."

In regard to claim 4, Tiedemann et al. disclose "the method of claim 2, wherein a minimum number of codes are provided to the second subspace (it is inherent that there be a minimum number of codes (i.e. a minimum of one code) provided to the second
20 subspace because the subspace in a code space system needs the codes in order to transmit data and without the minimum number of codes the subspace would be a waste)."

In regard to claim 6, Tiedemann et al. disclose "the method of claim 1, wherein the first subspace is used for voice communication (page 5, lines 16-17 and page 7, lines 14-16 where the data type of the first subspace (or secondary channels) "can be of various types" which includes the voice activity described on page 5)."

5

In regard to claim 7, Tiedemann et al. disclose "the method of claim 1, wherein the second subspace is used for data communication (page 7, lines 10-13 where the primary code channel is the second subspace)."

10

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann et al. in view of Gilhousen (U.S. Patent 5,751,761).

25

In regard to claim 5, Tiedemann et al. disclose the method of claim 2. However, Tiedemann et al. lack "a plurality of codes are unassigned to a subspace and are available for assignment to either subspace." Gilhousen however, discloses "a plurality of codes are unassigned to a subspace and are available for assignment to either

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subspace (col. 12, lines 20-40 where the BUSY list corresponds to unassigned codes and assigning an appropriate code to the requesting channel says that any channel from any subspace may request a code from the BUSY list)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the

5 unassigned codes with the method of claim 2 for the purpose of having control over the assignment of codes to particular channels. The motivation for this being to accommodate channel requests for codes efficiently.

Claims 8-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being
10 unpatentable over Tiedemann et al. in view of Schilling (U.S. Patent 5,410,568).

In regard to claim 8, Tiedemann et al. disclose "a method for partitioning code space in a communication system, comprising the step of:

dividing a code space into at least two subspaces, where codes in the first
15 subspace are assigned to at least one user at a time for a communication session while all of the codes in the second subspace are assigned to one of a plurality of users... (page 5, lines 9-10 show a code space being divided into at least two subspaces; page 7, lines 6-13 show that one remote station or user is assigned to the primary code channel at a time which is taken to be the same as the second subspace,
20 and the secondary code channels are taken to be the first subspace)."

However, Tiedemann et al. lack "...on a time shared basis." Schilling however, discloses "...on a time shared basis (col. 2, lines 10-20 and figures 8 and 10 where the

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signal is a coded signal with time shared slots)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the time shared basis with the rest of the method for the purpose of having little or no interference between users. The motivation being allowing full duplex communication between a base station and user.

5

In regard to claim 9, Tiedemann et al. and Schilling disclose the method of claim 8. However, Schilling lacks "codes are dynamically assigned between the at least first and second subspaces." Tiedemann et al. however, further disclose "codes are dynamically assigned between the at least first and second subspaces (page 8, lines 3-8 where both the primary and secondary channels use different codes as is known in the art; a user is initially using the code of the primary channel but must be assigned into the secondary channels or be dynamically assigned a code to accommodate an increase in user data flow)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the dynamically assigned codes with the method of claim 8 for the same reasons and motivation as in claim 8.

In regard to claim 10, Tiedemann et al. and Schilling disclose the method of claim 9. However, Schilling lacks "a minimum number of codes are provided to the first subspace." Tiedemann et al. however further disclose "a minimum number of codes are provided to the first subspace (it is inherent that there be a minimum number of codes (i.e. a minimum of one code) provided to the first subspace because the subspace in a code space system needs the codes in order to transmit data and without the minimum

number of codes the subspace would be a waste)." It would have been obvious to one with ordinary skill in the art at the time of invention to include minimum number of codes with the method of claim 9 for the same reasons and motivation as in claim 9.

5 In regard to claim 11, Tiedemann et al. and Schilling disclose the method of claim 9. However, Schilling lacks "a minimum number of codes are provided to the second subspace." Tiedemann et al. however further disclose "a minimum number of codes are provided to the second subspace (it is inherent that there be a minimum number of codes (i.e. a minimum of one code) provided to the second subspace because the
10 subspace in a code space system needs the codes in order to transmit data and without the minimum number of codes the subspace would be a waste)." It would have been obvious to one with ordinary skill in the art at the time of invention to include minimum number of codes with the method of claim 9 for the same reasons and motivation as in claim 9.

15

 In regard to claim 13, Tiedemann et al. and Schilling disclose the method of claim 8. However, Schilling lacks "the first subspace is used for voice communication." Tiedemann et al. however, further disclose "the first subspace is used for voice communication (page 5, lines 16-17 and page 7, lines 14-16 where the data type of the
20 first subspace (or secondary channels) "can be of various types" which includes the voice activity described on page 5)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the first subspace used for voice

communication with the method of claim 8 for the same reasons and motivation as in claim 8.

In regard to claim 14, Tiedemann et al. and Schilling disclose the method of claim

5 8. However, Schilling lacks "the second subspace is used for data communication."
Tiedemann et al. however, further disclose "the second subspace is used for data
communication (page 7, lines 10-13 where the primary code channel is the second
subspace)." It would have been obvious to one with ordinary skill in the art at the time of
invention to include the second subspace used for data communication with the method
10 of claim 8 for the same reasons and motivation as in claim 8.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Tiedemann et al. and Schilling as applied to claim 9 above, and further in view of
Gilhousen.

15

In regard to claim 12, Tiedemann et al. and Schilling disclose the method of claim
9. However, Tiedemann et al. and Schilling lack "a plurality of codes are unassigned to
a subspace and are available for assignment to either subspace." Gilhousen however,
discloses "a plurality of codes are unassigned to a subspace and are available for
20 assignment to either subspace (col. 12, lines 20-40 where the BUSY list corresponds to
unassigned codes and assigning an appropriate code to the requesting channel says
that any channel from any subspace may request a code from the BUSY list)." It would

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have been obvious to one with ordinary skill in the art at the time of invention to include the unassigned codes with the method of claim 9 for the purpose of having control over the assignment of codes to particular channels. The motivation for this being to accommodate channel requests for codes efficiently.

5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

15



JK
November 26, 2003

Joshua Kading
Examiner
Art Unit 2661


KENNETH VANDERPUYE
PRIMARY EXAMINER